

Pict 12/29/66

N.Y. Court Legalizes Accidental 'Bug' Data

NEW YORK, Dec. 29 (AP) — The appellate division of the State Supreme Court has ruled that evidence of a suspected crime unknown to police but uncovered during electronic eavesdropping by officers investigating a separate crime is admissible in court.

the statute was in violation of the Fourth Amendment which outlaws unreasonable searches and seizures

The New York courts previously had upheld the use of eavesdropping only to obtain evidence about the specific crime for which a court had issued the eavesdropping authorization.

In yesterday's unanimous decision, the five-man panel ordered murder-conspiracy indictments reinstated against two men although the alleged evidence against them was obtained through a bug installed to gather information on a suspected jewelry swindle.

The ruling reversed a March, 1965 decision by State Supreme Court Justice Nathan R. Sobel who threw out the charges against the men. In a ruling accepted at the time as the first clearcut test of the 1958 state law authorizing bugging, Sobel held that